



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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February 19, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

24 February 19, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**LOS ANGELES RIVER HEADWATERS PROJECT
CANOGA PARK AREA OF THE CITY OF LOS ANGELES
AWARD CONSTRUCTION CONTRACT
SPECS. 7204
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

This action will award a construction contract to Powell Constructors, Inc., for construction of the Los Angeles River Headwaters project located in the vicinity of Canoga Park in the City of Los Angeles.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE THE
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find that the recommended actions are within the scope of the Final Programmatic Environmental Impact Report certified by the City of Los Angeles and previously considered by the Board as a responsible agency under the California Environmental Quality Act.
2. Ratify the approval of Environmental Construction, Inc.'s request to be relieved of its bid for construction of the Los Angeles River Headwaters project for the reasons stated in this letter.
3. Find that Powell Constructors, Inc., the second lowest bidder, is the apparent Lowest Responsive and Responsible Bidder for construction of the Los Angeles River Headwaters project, and award a construction contract for the project for \$2,661,621, subject to Powell Constructors, Inc.'s timely submitting to the County a satisfactory baseline construction schedule, an acceptable Storm Water Pollution Prevention Plan, acceptable Faithful Performance and Payment for Labor and Material

Bonds, and evidence of required contractor insurances.

4. Delegate to the Director of Public Works, or her designee, the authority to determine, in accordance with the applicable contract and bid specifications, whether the contractor has satisfied the conditions for contract award, and authorize the Director of Public Works, or her designee, to execute the construction contract, in the form previously approved as to form by County Counsel, with Powell Constructors, Inc., to establish the effective date of the construction contract if the Director of Public Works, or her designee, determines that the above conditions have been satisfied.

5. Delegate to the Director of Public Works, or her designee, the following authority in connection with the subject contract: 1) approve and execute change orders within the same monetary limits delegated to the Director of Public Works, or her designee, under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; 2) accept the project upon its final completion; and 3) release the retention money withheld consistent with the requirements of Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will allow the Department of Public Works (Public Works) to proceed with construction of the Los Angeles River Headwaters (Headwaters) project.

The awarded project consists of construction of two pedestrian bridges, two pedestrian under crossings, and some landscape improvements. The project will provide recreational facilities to the residents in the area.

On September 4, 2012, the Board adopted plans and specifications for the Headwaters project and instructed the Executive Officer of the Board to advertise for construction bids. On October 11, 2012, Public Works opened seven bids and determined that Environmental Construction, Inc., was the apparent Lowest Responsive and Responsible Bidder. On October 16, 2012, Public Works received a letter from the apparent lowest bidder, Environmental Construction, Inc., requesting to be relieved of its bid due to a clerical error in filling out the bid, which caused the bid to be lower than the amount that was intended. Public Works determined that Environmental Construction, Inc., had demonstrated the grounds set forth in Public Contract Code Section 5100 et seq. for obtaining relief of its bid and, accordingly, on November 6, 2012, Public Works approved Environmental Construction, Inc.'s request to be relieved of its bid. Public Works hereby requests that the Board ratify such approval.

As authorized by the Board on September 4, 2012, a consultant services agreement was executed with Powell Constructors, Inc., as the apparent Lowest Responsive and Responsible Bidder, to prepare a baseline construction schedule and Storm Water Pollution Prevention Plan (SWPPP) for a \$10,000 not to exceed cost, which will be subtracted from its total lump sum bid as described in the Instruction to Bidders.

For the reasons stated above, it is recommended to award the construction contract to Powell Constructors, Inc., subject to Powell Constructors, Inc., having timely prepared and submitted a satisfactory baseline construction schedule, an acceptable SWPPP, acceptable Faithful Performance and Payment for Labor and Material Bonds, and evidence of required contractor insurances.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1), and Integrated Services Delivery (Goal 3), by maximizing the effectiveness of present structure and opportunities to improve community outcomes and leverage resources through the continuous integration of health, community, and public safety services.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

On September 4, 2012, the Board approved a \$11,450,000 project budget. The total project cost estimate includes the preparation of plans, specifications, permits, consultant services, survey, material testing, inspection, contract administration, change order contingency, and other County services. The Project Schedule and Budget Summary are included in Enclosure A.

The first and Lowest Responsive and Responsible Bidder rescinded its bid due to a clerical error. The second lowest bid amount is \$2,661,621, which is above the engineer's estimate amount of \$2,375,000 by \$268,621. Project funds are reallocated to fund this amount and ensure the project is delivered within Board approved budget. A summary of the bid is included in Enclosure B.

The project is partly funded by a grant of \$1,966,260 from the California Natural Resources Agency's, California River Parkways Grant fund, Agreement No. R54109-0, and the remaining amount of \$9,483,740 will be financed with the Los Angeles County Flood Control District funds.

Sufficient funds to cover the Los Angeles County Flood Control District's share are included in the Fiscal Year 2012-13 Flood Control District Budget. Financing for the future years will be made available in the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract contains terms and conditions supporting the Board's ordinances and policies, including, but not limited to: County Code Chapter 2.200, Child Support Compliance Program; County Code Chapter 2.202, Contractor Responsibility and Debarment; County Code Chapter 2.203, Contractor Employee Jury Service Program; County Code Chapter 2.206, Defaulted Property Tax Reduction Program; Board Policy 5.050, County's Greater Avenues for Independence and General Relief Opportunities (GAIN/GROW); Board Policy 5.060, Reporting of Improper Solicitations; Board Policy 5.110, Contract Language to Assist in Placement of Displaced County Workers; and Board Policy 5.135, Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law).

Applicable law, including the State Public Contract Code, requires the County to award a construction contract to the apparent Lowest Responsive and Responsible Bidder, which refers to the firm that: 1) submits the lowest bid price; 2) is deemed by the County to be "responsive" to specific criteria under the solicitation, including, but not limited to, licensure, bonding, and insurance requirements; and 3) is determined by the County to be a "responsible" bidder by exhibiting the quality, fitness, capacity, experience, and trustworthiness to satisfactorily perform the work required under the bid solicitation.

To ensure that the contract is awarded to the apparent Lowest Responsive and Responsible Bidder with a satisfactory history of performance, bidders are required to report violations of the False

Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the contractors State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy 5.140, the information reported by the bidder will be considered before contract award.

Per the Board's Civic Art Policy adopted on November 5, 2009, the project is exempt from the Civic Art Fund as it is a flood control facility improvement.

ENVIRONMENTAL DOCUMENTATION

On September 4, 2012, the Board, acting as the responsible Agency and the City of Los Angeles as lead agency, adopted the Final Programmatic Environmental Impact Report/Programmatic Environmental Impact Statement for the Los Angeles River Revitalization Master Plan prepared and certified by the City of Los Angeles for the project.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Determination with the County Clerk in accordance with Section 15062 of the State California Environmental Quality Act Guidelines.

CONTRACTING PROCESS

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included in the contract.

The contract requires the contractor to pay its employees applicable prevailing wages in accordance with the California Labor Code.

On September 4, 2012, the Board adopted plans and specifications for the Headwaters project and instructed the Executive Officer of the Board to advertise for bids. On October 11, 2012, seven bids were received. Powell Constructors, Inc., has been found to be the apparent Lowest Responsive and Responsible Bidder in view of the bid relief deemed appropriate as discussed above.

As required by the Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees that they may be eligible for the Federal Earned Income Credit under the Federal income tax law (Federal Income Tax Law, Internal Revenue Service Notice 1015).

As authorized by the Board on September 4, 2012, a consultant agreement was executed with Powell Constructors, Inc., on November 21, 2012, to prepare a baseline construction schedule and SWPPP for a \$10,000 not-to-exceed cost funded by the existing project funds.

The contract requires the contractor to pay its employees applicable prevailing wages in accordance with the California Labor Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions will have no impact on current County services or project.

When the project is completed, it will provide enhanced water quality, habitat restoration, and passive recreational opportunities for the residents of the County.

CONCLUSION

Please return one adopted copy of this Board letter to Public Works, Project Management Division II.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:JFK

EA:as

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office
Auditor Controller
Department of Human Resources
Department of Public Social Services
(GAIN/GROW Program)

February 19, 2013

ENCLOSURE A

**LOS ANGELES RIVER HEADWATERS PROJECT
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I. PROJECT SCHEDULE

Project Activity	Revised Scheduled Completion Date
Design Construction Documents Completed Jurisdictional Approval	06/25/12* 07/05/12*
Construction Bid and Award	02/19/13
Construction – JOC Start Construction Substantial Completion Project Acceptance Construction – Base Contract Start Construction Substantial Completion Project Acceptance	12/18/12* 06/01/13 07/03/13 04/23/13 02/05/14 06/11/14

* Indicates Completed Activity

II. PROJECT BUDGET SUMMARY

Budget Category	Project Budget	Impact	Revised Project Budget
Land Acquisition		\$ 0	\$ 0
Construction			
Base Construction			
Pedestrian bridges & Under-crossings	\$ 2,375,000	\$ 286,621	\$ 2,661,621
Contingency-Unforeseen site conditions	\$ 0	\$ 306,900	\$ 306,900
Change Orders	\$ 356,000	\$ 43,000	\$ 399,000
JOC – Landscape Improvements	\$ 4,815,000	\$ (742,100)	\$ 4,072,900
Ornamental Gates	\$ 0	\$ 157,900	\$ 157,900
Change Orders	\$ 721,000	\$ (110,000)	\$ 611,000
Gordian Group	\$ 83,000	\$ 14,679	\$ 97,679
Subtotal	\$ 8,350,000	\$ (43,000)	\$ 8,307,000
Programming/Development	\$ 0	\$ 0	\$ 0
Plans and Specifications	\$ 0	\$ 0	\$ 0
Consultant Services			
Deputy Inspection/Materials Testing	\$ 150,000	\$ 0	\$ 150,000
Geotech/Soils Test	\$ 20,000	\$ 0	\$ 20,000
Cost Estimating	\$ 12,000	\$ 0	\$ 12,000
Constructability Review	\$ 35,000	\$ 0	\$ 35,000
Hydraulic Analysis	\$ 120,000	\$ 0	\$ 120,000
Subtotal	\$ 337,000	\$ 0	\$ 337,000
Miscellaneous Expenditures			
Printing	\$ 10,000	\$ 0	\$ 10,000
Countywide Contract Compliance (CCC)	\$ 15,000	\$ 43,000	\$ 58,000
Subtotal	\$ 25,000	\$ 0	\$ 68,000
Jurisdictional Review/Plan Check Permit			
Department Water & Power	\$ 200,000	\$ 0	\$ 200,000
Water Board Permit Processing/Fee	\$ 15,000	\$ 0	\$ 15,000
Fish & Game Permit Processing/Fee	\$ 18,000	\$ 0	\$ 18,000
Corp of Engineers	\$ 5,000	\$ 0	\$ 5,000
City of LA – Traffic	\$ 2,000	\$ 0	\$ 2,000
Other – PDD (Processing)	\$ 30,000	\$ 0	\$ 30,000
Subtotal	\$ 270,000	\$ 0	\$ 270,000
County Services			
Design	\$ 722,000	\$ 0	\$ 722,000
AED Contract Administration	\$ 45,000	\$ 0	\$ 45,000
Project Management	\$ 581,000	\$ 0	\$ 729,000
Flood Maintenance	\$ 2,000	\$ 0	\$ 2,000
Geotech & Materials Engineering	\$ 62,000	\$ 0	\$ 62,000
Traffic & Lighting	\$ 5,000	\$ 0	\$ 5,000
Programs Development	\$ 97,000	\$ 0	\$ 97,000
Construction	\$ 630,000	\$ 0	\$ 630,000
Watershed Management	\$ 156,000	\$ 0	\$ 156,000
Survey/Mapping & Property Mngmnt	\$ 20,000	\$ 0	\$ 20,000
Subtotal	\$ 2,468,000	\$ 0	\$ 2,468,000
Total	\$ 11,450,000	\$ 0	\$ 11,450,000

February 19, 2013

ENCLOSURE B

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(3 VOTES)**

BID OPENING

LOS ANGELES RIVER HEADWATERS

PROJECT ID NO.: FCC0001174

October 11, 2012

ESTIMATE: \$2,375,000

NO.	CONTRACTOR	GRAND TOTAL	SBE	SBE DEDUCTION	FINAL RESULT
1	Environmental Construction, Inc. *	\$2,196,533.70	n	\$0.00	\$2,196,533.70
2	Powell Constructors, Inc.	\$2,661,621.00	n	\$0.00	\$2,661,621.00
3	Adams/Mallory Construction Company, Inc.	\$2,969,485.00	n	\$0.00	\$2,969,485.00
4	C.A. Rasmussen, Inc.	\$3,049,259.80	n	\$0.00	\$3,049,259.80
5	Mike Bubalo Construction Co, Inc.	\$3,672,344.00	n	\$0.00	\$3,672,344.00
6	John S. Meek Company, Inc.	\$3,975,303.50	n	\$0.00	\$3,975,303.50
7	Excel Paving Company	\$4,288,432.75	n	\$0.00	\$4,288,432.75

SBE Reduction is \$50,000

Grand Total + Small Business Preference (if any) = Final Result

* Withdrew bid due to clerical error